

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 BRANDY M. THORNTON,)
)
 Defendant.)
)

No. 3:21-CR-127-KAC-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant's Unopposed Motion to Continue Plea Deadline, Trial Setting, and All Corresponding Deadlines [Doc. 34], filed on March 31, 2022. Defendant asks the Court to continue the May 3, 2022, trial date, the plea deadline, and the other remaining deadlines. The motion relates that the Government has provided extensive discovery in this matter, including audio and video surveillance as well as a significant quantity of wiretap evidence. Defendant's counsel states he has made progress in analyzing discovery, but additional time is needed to review discovery to ensure Defendant receives effective assistance of counsel. The motion provides that this case involves a related indictment in state court, adding to the complexity of the defense preparation, and that additional time is needed for the parties to engage in plea discussions. Defendant submits that a continuance is necessary to give defense counsel the "reasonable time necessary for effective preparation, taking in to account the exercise of due diligence." 18 U.S.C. § 3161(h)(7)(B)(iv). The motion further relates that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of September 7, 2022.

The Court finds Defendant's Unopposed Motion to Continue Plea Deadline, Trial Setting, and All Corresponding Deadlines [Doc. 34] is unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Based upon the representations in the motion, defense counsel needs additional time to review discovery, engage in plea negotiations with the Government, and otherwise prepare the case for trial. Thus, the Court concludes that without a continuance, Defendant would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Defendant's Unopposed Motion to Continue Plea Deadline, Trial Setting, and All Corresponding Deadlines [Doc. 34] is **GRANTED**. The trial of this case is reset to **September 7, 2022**. The Court finds that all the time between the filing of the motion on March 31, 2022, and the new trial date of September 7, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(7)(A)–(B). The Court also sets a new schedule in this case, which is stated in detail below.

Accordingly, it is **ORDERED** as follows:

- (1) Defendant's Unopposed Motion to Continue Plea Deadline, Trial Setting, and All Corresponding Deadlines [Doc. 34] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **September 7, 2022, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **March 31, 2022**, and the new trial date of **September 7, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **August 8, 2022**;
- (5) The parties are to appear before the undersigned for a final pretrial conference on **August 15, 2022, at 11:00 a.m.**;

- (6) The deadline for filing motions *in limine* is **August 22, 2022**; and
- (7) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **August 26, 2022**.

IT IS SO ORDERED.

ENTER:

Debra C. Poplin
Debra C. Poplin
United States Magistrate Judge